IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1201 OF 2006
IN
SUIT NO.1327 OF 2005

WITH

NOTICE OF MOTION NO.1202 OF 2006
IN
SUIT NO.1077 OF 2005

Ashokkumar V. Prasad ....Plaintiff
V/s.
Sahadev V. Jadeja ....Defendant

Mr.L.M. Acharya for the Plaintiff.
Mr.P.V. Palan for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH NOVEMBER, 2006.

P.C. :

1. By consent the ex-parte decrees passed in the above suits are set-aside subject to the Defendant depositing to the credit of each of the suits a sum of Rs.1,50,000/- each on or before 1.2.2007. In the event of the amounts not being deposited, the decrees shall stand.

2. In the event of the amounts being deposited, the Prothonotary and Senior Master shall invest the same in fixed deposit of a nationalized bank initially

for a period of six months and thereafter for like periods of six months each.

3. The amounts if deposited shall be subject to any order that may be passed in the Summons for Judgments that may be taken out by the Plaintiff. The Plaintiff shall take out the Summons for Judgment within 8 weeks of the Defendant intimating the Plaintiff's advocate in writing of the amounts having been deposited. In the event of the Summons for Judgment not being taken out, the Defendant shall be entitled to return of the said amount. Upon the amounts being deposited, attachment shall stand raised forthwith.

4. Till 1.2.2007, no further proceedings in execution shall be taken. It is clarified however that the attachment shall continue till the amounts are deposited.

4. The above Notices of Motion are accordingly disposed of.